

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, September 21, 2010**

Present: Commissioner President Francis Jack Russell
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Sharon Ferris (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:00 am.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Raley, that the bills submitted for September 21, 2010, be approved as presented. Motion carried 4-1. Commissioner Jarboe voted nay.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the minutes of the meeting of Tuesday, August 31, 2010 as presented. Motion carried 5-0.

INVITATION TO ST. MARY'S COUNTY FAIR WAS EXTENDED BY JOHN RICHARDS

COUNTY ADMINISTRATOR (PART 1)

1. Draft Agenda for September 28, 2010 and October 5, 2010.
2. **Department of Economic and Community Development** (*Bob Schaller, Director; Hans Welch, Manager, Business Development*)

(Daniel Mosser, Vice President, College of Southern Maryland; and Brian DuBuff, SBDC Regional Director)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to execute the Memorandum of Understanding between the College of Southern Maryland on behalf of its Maryland Small Business Development Center and the Board of County

Commissioners for St. Mary's County in the amount of \$16,500 for FY2011 to continue to provide small business counseling services for St. Mary's County. Motion carried 5-0.

(Donna Sasscer, Agriculture Manager)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Release Agreement for the St. Mary's County Agriculture Land Preservation District 5-year Program for Mr. Reeves subject to his signature of the documents. Motion carried 5-0.

(Dennis Nicholson, Executive Director; Housing Authority of St. Mary's County, Jacklyn Reabe, Program Manager; Housing Authority Commissioners; Stephanie Proctor, Housing Authority Commissioner)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and execute the Support Resolution for the Non-County FY2011 Community Legacy Application in the amount of \$107,518, applied for by the Housing Authority of St. Mary's County to fund additional improvements to meet accessibility needs at the Greenview Village Apartments. Motion carried 5-0.

3. Department of Public Works and Transportation *(George Erichsen, Director)*

(Richard Tarr, Solid Waste Manager)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute an Easement Agreement between the Board of County Commissioners for St. Mary's County and SMECO for the purpose of providing new services to six (6) transfer stations/convenience centers for the operation of stationary compactors in support of the Single Stream Recycling Program. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Russell to sign the Right-of-Entry Agreements for the Burch, Hills, and Kessler sites as presented by staff. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to execute the budget amendment reducing the Capital Projects HW0101, HW0304, and HW0503 and returning the project funds in the amount of \$340,691 to the FIN10 Capital Reserve as requested by staff, and also to approve and authorize Commissioner President to execute the budget amendment reducing the SW0601 New Transfer Station Capital Project and return the project funds in the amount of \$122,500 to the FIN10 Capital Reserve, and also to have the BOCC approve and authorize Commissioner President to execute the budget amendment reducing the PF0904 Hayden Land Acquisition Capital Project and return the project funds in the amount of \$5,886 to the FIN10 Capital Reserve. Motion carried 5-0.

4. Department of Recreation and Parks (*Phil Rollins, Director*)

Commissioner Mattingly moved, seconded by Commissioner Dement to approve and authorize the Commissioner President to execute the Program Open Space Development Application and Project Agreement for design and engineering of Phase VI of the Three Notch Trail in the amount of \$60,000. Motion carried 4-1. Commissioner Jarboe voted nay.

Commissioner Jarboe stated that while he has been a supporter of the Three Notch Trail sections, he has been promoting connecting the two growth centers – Lexington Park and Leonardtown – and would prefer to see it go to Hollywood so we can connect over to Rt. 245 and head into Leonardtown and tie that alternative transportation route between the two growth areas together.

Commissioner Mattingly said that a Leonardtown-Hollywood connection is not part of the Three Notch Trail Master Plan.

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President Russell to execute the budget amendment to close out the Piney Point Shore Erosion project (RP0502) in the amount of \$36,299; to close out the Lancaster Park South Parcel project (RP0905) in the amount of \$21; to close out the Three Notch Trail Phase II project (PA0106) in the amount of \$20,075; to closeout the Three Notch Trail Phase III project (PA0106) in the amount of \$25,000; and to close out a portion of the Tennis Court Replacement project (RP0701) in the amount of \$10,000; and return a total of \$91,395 to the FIN10 account. Motion carried 5-0.

5. Finance Department (*Elaine Kramer, CFO*)

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve the FY2012 Budget Calendar, as presented, and direct staff to circulate the instructions and schedule the meetings based on this calendar. Motion Carried 5-0.

6. St. Mary's County Public Schools (*Dr. Michael Martirano, Superintendent; Brad Clements, Chief Operating Officer*)

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President Russell to execute the budget amendments, as approved by the Board of Education on September 9, 2010, closing and/or reducing funds totaling \$931,652 in the Americans with Disabilities Act project PS 0403, Dr. James A. Forrest Career and Technology Center Addition/Renovation project PS0102, Evergreen Elementary School project PS0404, Chopticon High School Wastewater Treatment Plant project PS0704, Leonardtown Elementary School Addition/Renovation project PS0601,

Lettie Marshall Dent Elementary School Chiller Replacement project PS0803, STEM Academy project PS0902, Chopticon High School Gym Floor Replacement project PS0903, and Ridge Elementary School Parking Lot Modification project PS0608 to the FIN10 Capital Reserve. Motion carried 5-0.

ST. MARY'S COUNTY PUBLIC SCHOOLS: PRESENTATION OF STATE CAPITAL IMPROVEMENTS PROGRAM FY 2012-17

Present: Dr. Michael Martirano, Superintendent of Schools; Brad Clements, Chief Operating Officer; Kim Howe, Coordinating Supervisor of Capital Planning & Green Schools

Dr. Martirano presented the program and responded to questions and comments from the Commissioners.

Commissioner Dement moved, seconded by Commissioner Mattingly, to sign letter of support for the FY2012-FY2017 State Capital Improvements Program as approved by the Board of Education on August 25, 2010, to be submitted to the Public School Construction Program, in accordance with state procedures. Motion carried 4-1. Commissioner Raley voted nay.

COMMUNITY HEALTH ADVISORY COMMITTEE UPDATE

Present: Dr. William Icenhower, Health Officer, St. Mary's County Health Department; Dolores Martin, Chairperson, St. Mary's County Community Health Advisory Committee; Dr. Larry Polsky, Vice Chair, St. Mary's County Community Health Advisory Committee

In 2009, St. Mary's Hospital in conjunction with several county agencies initiated a comprehensive community health needs assessment with the assistance of Holleran, a research firm based in Lancaster, Pennsylvania, to execute the various research components. Input was gathered through focus groups with physicians, county residents, and area professionals as well as a telephone survey. Five key health priority issues were identified as a result of this study: (1) Obesity, (2) Infant and child death rates, (3) Healthcare practitioner shortages, (4) Childhood sexual abuse and (5) Tobacco use. A Community Health Improvement Plan was established with goals and objectives as well as strategies to address these issues.

Mr. Savich asked that an annual briefing on these issues be provided to the Commissioners.

PUBLIC HEARING CONCERNING STATE REQUIRED INCLUSION OF A RECYCLING STRATEGY FOR ALL COUNTY-FUNDED SCHOOLS AND TRADE SCHOOLS/COLLEGES IN THE COUNTY'S COMPREHENSIVE SOLID WASTE MANAGEMENT & RECYCLING PLAN

Present: George Erichsen, Director, Dept. Public Works and Transportation
Richard Tarr, Solid Waste Manager

Commissioner President Russell opened the public hearing at 11:26.

Mr. Erichsen noted this is an update to the current plan and a generic update to decisions made over the last few years as noted in the memo of August 11, 2010. He read the Notice of Public Hearing into the record.

Commissioner President Russell opened the hearing for public comments.

Public Comments. *(Comments as noted below are intended as highlights of testimony given and are not verbatim)*

Ms. Kim Howe, St. Mary's County Public School

St. Mary's County Public Schools have been recycling since 1998. Schools started single stream 2007. Schools have a long relationship working with Department of Public Works and Transportation. Very strong recycling program in all schools.

Commissioner Russell noted that the record will remain open for ten days for additional written comments from the public and closed the hearing at 11:36 pm.

COMMISSIONER'S TIME

The Commissioners highlighted upcoming events, those attended over the past two weeks and personal items of interest

BOARD OF COUNTY COMMISSIONERS SITTING AS THE ST. MARY'S COUNTY BOARD OF HEALTH

Present: Dr. Icenhower; Tracy Kubinec, Dep. Health Officer; Daryl Calvano, Environ. Health ; Nancy Luginbill, Dir. Health, Services; Joy Sapp, Fiscal Director, Melanie Gardnier Communicable Disease Program Supervisor

Commissioner Jarboe moved, seconded by Commissioner Dement, to adjourn as the Board of County Commissioners and reconvene as the St. Mary's County Board of Health. Motion carried 5-0.

Mr. Calvano provided an update on the Bay Restoration Grant application. Funds from the grant will be used to assist homeowners comply with Senate Bill 554, effective October 2009, requiring an upgrade to septic systems that are within 1,000 ft of the Bay.

Mr. Calvano explained that the Health Department will no longer be able to authorize Open Air Burning permits effective December 2010. Solid waste regulations now

require that alternative methods be used to clean up building sites. Agriculture fires, fire department training, homeowner leaf burning and recreational fires don't require permits and are excluded from new regulations.

Ms. Luginbill provided an overview of the Health Department's flu vaccine initiatives noting, unlike last year, there are ample vaccines available this year in the County. The Health Department will be conducting public clinics throughout the County as well as going into the schools to vaccinate elementary age children.

Dr. Icenhower requested an additional \$30,000 to implement a middle school flu vaccination program.

Commissioner Raley recused himself from the discussion due to a potential conflict of interest resulting from his wife's position as a part-time school nurse.

Commissioner Jarboe asked why the schools didn't contract with the Health Department to carry out a joint vaccination program for the schools.

Discussion followed concerning amount of funds in the BOCC Emergency Reserve to assist in expanding a middle school vaccine program.

Mr. Savich suggested that funding be built into the Board of Education or Health Department budgets in the future.

Commissioner Jarboe moved, seconded by Commissioner Dement, to adjourn as the St. Mary's County Board of Health and reconvene as the Board of County Commissioners. Motion carried 5-0.

DEPT. OF PUBLIC SAFETY: DECISION ON PROPOSED ORDINANCE FOR SUPPLEMENTAL APPROPRIATIONS TO COUNTY'S FY 2011 ADVANCED LIFE SUPPORT FUND (\$56,862) FOR PURCHASE OF ALS VEHICLE

Present: Dave Zylak, Director, Public Safety
Carol Sullivan, Chief, Advanced Life Support

Mr. Zylak provided background of incident leading to the request for a new vehicle and noted a public hearing was held on August 24, 2010, to consider supplemental appropriations for the purchase of a new Advanced Life Support vehicle. No additional public comments were received concerning the issue.

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and adopt the proposed Ordinance adding \$56,862 to the Dept. of Public Safety Emergency Support Fund FY2011 budget; and to approve and authorize the Commissioner President to execute the Budget Amendment in the amount of \$56,862.

The Commissioners discussed whether a second vehicle should be purchased at this time based on the age and mileage of other vehicles in service and whether funding is available.

Commissioner Dement amended his motion, with Commissioner Mattingly's agreement, to approve and adopt the Ordinance adding \$113,724 to the Dept. of Public Safety Emergency Support Fund FY2011 budget; and to approve and authorize the Commissioner President to execute the Budget Amendment for \$113,724 with the understanding that staff will return to the Board of County Commissioners before procuring the second vehicle to demonstrate through an analysis that the fund is adequate to support that. Motion carried 5-0.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: DECISION TO AMEND COMPREHENSIVE WATER AND SEWERAGE PLAN FOR MARGARET BRENT MIDDLE SCHOOL/CHOPTICON HIGH SCHOOL COLLECTION, CASE CWSP 10-200-001

Present: Dave Chapman, Planner, Dept. of Lane Use and Growth Management

Mr. Chapman noted a public hearing was held on August 31, 2010. The record remained open for 10 days with no additional comments received.

Commissioner Raley moved, seconded by Commissioner Jarboe to adopt Resolution W/S 2010-05 amending Section 4.5.2 B. of the St. Mary's County Comprehensive Water and Sewerage Plan to read: "In 2010, the Margaret Brent Middle School system and the Chopticon High School system were approved to interconnect by way of a 'denied access' main. The connection does not facilitate the expansion of public sewer capacity, nor does it permit connections for septic failures or new development;" and amending Section 4.5.2 C. to read: "Remainder of the District: No service is planned in the remainder of the district;" and revising Table 4-2B to reflect current capacities of the Margaret Brent Middle School and Chopticon High School systems as follows: "For Margaret Brent Middle School, the Design Capacity is .008 million gallons per day (MGD), the NPDES Permit is for .008 MGD, the Calendar Year 2006 Average Daily Flow is .003 MGD, and the Gross Adjusted Available Flow is .005 MGD. For Chopticon High School, the Design Capacity is .017 MGD, the NPDES Permit is for .020 MGD, the Calendar Year 2009 average daily flow is .007 MGD, and the Gross Adjusted Available Flow is .010 MGD." Motion carried 5-0.

UPDATE ON VERIZON NETWORK FAILURES

Present: Jason Groves, Assistant Vice President of Public Affairs, Verizon

Mr. Groves addressed recent phone outages impacting the St. Mary's County Public Service Access Point. He reassured Commissioners that Verizon is actively looking into issues and said a new network system for all of the Southern Maryland area is being built. It is anticipated the new

network system will be installed by September 30, 2010, but will take time to bring everything up on new network. He noted a hearing and investigation is underway as a result of the letter from the County to the Public Service Commission.

Commissioner Raley expressed concern with the difficulty of contacting Verizon when problems occurred. Commissioner Mattingly commented on the importance of having a calling tree. He expressed concern with the number of Verizon employees retiring and the availability of technical support and timeliness to respond when service is required.

SECRETARY, MD DEPT. OF TRANSPORTATION (MDOT), ANNUAL CAPITAL PROGRAM TOUR: PRESENTATION OF FY 2011-16 DRAFT CONSOLIDATED TRANSPORTATION PROGRAM

Present: Beverley K. Swaim-Staley, Secretary, MDOT
Diane Ratcliff, Administrator, Maryland Transit Admin.
Neil Pedersen, Administrator, St. Highway Admin.
Joe Vechio, Motor Vehicle Admin.
Ashish Solanki, Director, Aviation Admin.
Lee Starkloff, District Engineer, SHA
Michael Whitson, member, MD Transit Authority Board
Delegate Anthony O'Donnell
Delegate John Wood

Secretary Swaim presented the state's FY 2011-16 Consolidated Transportation Program. The status of projects underway in St. Mary's County was discussed as well as future endeavors.

Commissioner Russell asked that the intersection at Great Mills Rd and Rt. 5 where 3 lanes merge into one at Rt. 5 be reviewed.

Commissioner Mattingly made a request regarding the signalization project at Loveville Road and Rt. 235 that the state has agreed to do as part of a school construction project. Some of the requirements that may be placed on the Board of Education for access to the school site have driven the costs up dramatically. The requirement is substantial and expensive and design is such that you are coming out of the school into an acceleration lane to go north and merging into traffic that is basically stopped at the new stoplight. Commissioner Mattingly asked that from a budgetary standpoint, the state look at this project to see if some relief can be provided while still allowing their requirements to be met. He also asked that Rumble Strips be added to Rt. 5 beyond the high school. Asked if consideration was being given to Hollywood Park and Ride.

Commissioner Jarboe suggested bike or buggy paths be installed along Rt. 236.

Delegate O'Donnell asked that attention/consideration be given to the following:

- *Rt. 4-Rt. 235 intersection*
- *Rt. 4 exit coming off Thomas Johnson Bridge going on to Solomons Island*

- *Put new Automated MVA hearings capability in the County so residents do not have to go to Waldorf*

Delegate Wood requested attention be given to the following:

- Rt. 236 has no shoulders and creates a safety hazard, particularly with Amish buggies in that area

Commissioner Raley requested an upgrade to the Point Lookout Road portion of MD Rt. 5.

Commissioner Dement departed the meeting at this time.

COUNTY ADMINISTRATOR (PART 2)

7. Sheriff's Office *(Sheriff Timothy Cameron)*

Commissioner Jarboe moved, seconded by Commissioner Raley, to approve and authorize the Sheriff to execute the FY10 Edward Bryne Memorial Assistance Grant Program Local Solicitation award in the amount of \$29,055 from the Department of Justice and to approve and authorize Commissioner President Russell to execute Form 2, the Police Protection FY11 estimated expenditures, and Form 3, the sworn officer roster at June 30, 2010 and give authorization to the Sheriff's Office to submit application documents electronically. Motion carried 4-0. Commissioner Dement was absent.

(Mary Ann Thompson, Operations Manager, Detention Center; Captain Michael Merican, Commander of Corrections)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President to execute the State of Maryland Capital Projects Grant Application and Affidavit for Project PF0901, on behalf of the Sheriff's Office, in the amount of \$5,513,000 for Phase I of the Adult Detention Center Minimum Security Facility Addition. Motion carried 4-0. Commissioner Dement was absent.

8. Department of Aging *(Lori Jennings-Harris, Director; Peggy Maio, Fiscal Supervisor)*

Commissioner Jarboe moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Russell to execute the Notification of Grant Award for the FY2011 State Grants, project MD1101-MD1104, MD1106, and MD1114, from the Maryland Department of Aging on behalf of the St. Mary's County Department of Aging for services and programs for the Seniors of St. Mary's County in the amount of \$205,783 and the related budget amendment that includes decreasing project MD1101 by \$3,037 and increasing project MD1103 by \$1,566. Motion carried 4-0. Commissioner Dement was absent.

(Rebecca Kessler, Manager, Home & Community Services, Dept of Aging)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to execute the FY2011 Money Follows the Person Grant Application, project US1132, from the Maryland Department of Aging on Behalf of the St. Mary's County Department of Aging for home and community-based services by improving the transition process of eligible individuals from long term care facilities to the community living through increasing outreach and decreasing barriers to transition, in the amount of \$31,302. Motion carried 4-0. Commissioner Dement was absent.

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President Russell to execute the Agreement between the National Active and Retired Federal Employees Association, St. Mary's Chapter, project OT1102, and the Board of County Commissioners for St. Mary's County, on behalf of St. Mary's County Department of Aging, for the implementation and administration of a program to provide respite funds to eligible caregivers of people with Alzheimer's Disease and other forms of dementia, in the amount of \$20,000 and the related budget amendment to set up the project's budget by \$20,000. Motion carried 4-0. Commissioner Dement was absent.

(Alice Allen, Manager, Senior Center Operations, Dept. of Aging)

Commissioner Jarboe moved, seconded by Commissioner Raley, to approve and accept the Memorandum of Understanding, project # OT1101, between St. Mary's County Department of Aging and St. Mary's Adult Medical Day Services, Inc., as administered by El Shaddai, in the amount of \$35,000 for food service (lunch and snacks), and to authorize the Commissioner President to sign the Budget Amendment to set up the project budget. Motion carried 4-0. Commissioner Dement was absent.

9. Department of Human Resources *(Sue Sabo, Director, Kathy Arnold, Risk Manager)*

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President Russell to execute the budget amendment transferring funds in the amount of \$125,590 from Risk Management General Public Liability account to the County Revenue Stabilization Reserve Account. Motion carried 4-0. Commissioner Dement was absent.

ADJOURNMENT

The meeting of the Board of County Commissioners adjourned at 4:40 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)